

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-21992 - APPLICANT/OWNER: CS4015, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 1, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-21993) and Variance (VAR-22100) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 06/07/07 and building elevations date stamped 06/04/07, except as amended by conditions herein.
4. A Waiver from 19.10.J.11.c is hereby approved, to allow eight parking lot landscape fingers where 23 parking lot landscape fingers would be required.
5. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a four foot perimeter landscape buffer along the east property line and a five foot perimeter landscape buffer along the north property line where 15 feet is required.
6. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a five foot perimeter landscape buffer along the west property line where eight feet is required.
7. A Waiver from Title 19.12.040B Landscape, Wall and Buffer Standards is hereby approved to allow 47 landscape buffer trees where 68 landscape buffer trees are required
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Cliff Shadows Parkway (Fire Canyon Avenue to Lone Mountain Road) Improvement Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
18. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the depth of the driveways accessing this site from Lone Mountain Road and Cliff Shadows Parkway.

19. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
20. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 9,663 square foot commercial shopping center with a 3,500 square foot tavern and 3,000 square foot general retail store with Waivers of Lone Mountain Landscape Standards and Waivers to allow five feet perimeter landscape buffer on a portion of the north property line where 15 feet is required, a four foot perimeter landscape buffer on a portion of the east property line where 15 feet is required and a five foot perimeter landscape buffer on a portion of the west property line where eight feet is required on 2.00 acres adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.

As a note, the initial application requested Waivers to allow zero foot perimeter landscape buffer on a portion of the north property line where 15 feet is required, a three foot perimeter landscape buffer on a portion of the east property line where 15 feet is required, a zero foot perimeter landscape buffer on a portion of the south property line where eight feet is required and a four foot perimeter landscape buffer on a portion of the west property line where eight feet is required. They later modified the plan to add more landscaping to the site plan.

As designed, the project requires several deviations from standards, including landscape waivers for the perimeter buffer width and landscape fingers in the parking lot area. Additionally, two Variances (VAR-21993 & VAR-22100) have been requested for parking and residential adjacency requirements respectively. These deviations from standards indicate that the applicant is intending to overbuild the site; therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/14/99	The City Council approved a Rezoning (Z-0024-99) to PD (Planned Development) on adjacent properties as part of a larger request. The Planning Commission and staff recommended approval.
11/01/00	The City Council approved a Rezoning (Z-0067-99) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation to PD (Planned Development) on the subject site as part of a larger request. The Planning Commission and staff recommended denial.
09/18/02	The City Council approved a Major Modification [Z-0024-99(44)] to the Lone Mountain West Master Development Plan to add approximately five acres to the Plan and to designate the northern half as Village Commercial and the southern half as Medium-Low Density Residential; a Special Use Permit (U-0081-02) for the proposed sale of Packaged Liquor for off-premise consumption; a Special Use Permit (U-0082-02) for proposed Gasoline Sales; a Special Use Permit (U-0083-02) for a proposed Tavern, and a Site Development Plan Review [Z-0067-99(2)] for the tavern and convenience store on the subject site. Planning Commission and staff recommended approval. The approvals expired September 18, 2004.

09/20/06	The City Council approved a request for an Extension of Time (EOT-15961) of an approved Special Use Permit (U-0083-02) that allowed a tavern; an Extension of Time (EOT-15962) of an approved Special Use Permit (U-0082-02) that allowed gasoline sales in conjunction with a proposed convenience store and an Extension of Time (EOT-15963) of an approved Special Use Permit (U-0081-02) that allowed the sale of packaged liquor for off-premise consumption in conjunction with a proposed convenience store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway
06/28/07	The Planning Commission recommended denial of companion items VAR-21993 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #42/ss).
<i>Pre-Application Meeting</i>	
04/25/07	A pre-application meeting was held with the applicant. The following items were discussed with the applicant: <ul style="list-style-type: none"> • Lone Mountain West Development Standards • Site Development Review • Variance for Residential Adjacency • Variance for Parking • Remapping to one parcel • Previous SUP approvals (EOT-15961 – Tavern, EOT-15962 – Gasoline Sales in conjunction with a Convenience Store and EOT-15963 – Packaged Liquor for Off Premise Consumption). • Submittal requirements for an SDR and two Variances.

<i>Field Check</i>	
05/23/07	A field check was made on the site. There is a definite slope on the site slanting from west to east. The perimeter wall on the west portion of the site is of a height that residential will be looking down upon the site; therefore, residential adjacency is not an issue to the residential to the west.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.00

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	VC (Village Commercial)	PD (Planned Development)
North	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
South	Single Family Residential	ML (Medium-Low Density Residential)	PD (Planned Development)
East	Apartments	MLA (Medium-Low Density Attached Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
West	Single Family Residential	ML (Medium-Low Density Residential)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Lone Mountain West	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
PD (Planned Development) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to The Lone Mountain West Master Plan and Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	103,790 SF	N/A
Min. Lot Width	100 Feet	295 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	20 Feet	Y

Max. Lot Coverage	30 %	16%	Y
Trash Enclosure	Roofed and gated	Roofed and gated	Y
Loading Zone	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y
Pedestrian Path from street	Y	N	N

Review the following from Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	81.6 Feet	27.2 Feet	N*
Trash Enclosure	50 Feet	120 Feet	Y

****A Variance (VAR-22100) for residential adjacency has been requested.***

Pursuant to Title 19.12, the following Landscape Standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Trees/ 6 Spaces	23 Trees	8 Trees	N*
Buffer: Min. Trees adjacent to residential	1 Tree/20 Linear Feet	29 Trees	25 Trees	N*
Min. Trees adjacent to Commercial	1 Tree/30 Linear Feet	16 Trees	14 Trees	N*
TOTAL		68 Trees	47 Trees	N*
Min. Zone Width (R.O.W.)	15 Feet		4 Feet	N*
Min. Zone Width (Interior)	8 Feet		5 Feet	N*
Wall Height	8 Feet		N/A	N/A

****Waivers of Title 19.12 Landscaping Standards have been requested.***

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement								
Use	Gross Floor Area or Number of Units	Required			Provided			Compliance
		Parking Ratio	Parking		Parking			
			Regular	Handi-capped	Regular	Compact	Handi-capped	
Tavern (Public Area)	2,500 SF	1/50	50					
(Service Area)	1,000 SF	1/200	10					
Retail	12,633	1/175	73					
SubTotal			129	5	83	35	5	N*
TOTAL			134		123			N*
Loading Spaces			2		2			Y
Percent Deviation			7%					N*

*A Variance (VAR-21993) for parking has been requested.

Waivers		
Request	Requirement	Staff Recommendation
Parking – Landscape Fingers	1 per 6 parking spaces	Denial
Waivers of Title 19.12 Landscape Standards to allow zero foot perimeter landscape buffer on a portion of the north property line where 15 feet is required, a three-foot perimeter landscape buffer on a portion of the east property line where 15 feet is required, and a four-foot perimeter landscape buffer on a portion of the west property line where eight feet is required.	North – 15 feet is required East – 15 feet is required South – 8 feet is required West – 8 feet is required	Denial

ANALYSIS

- Zoning**

The site is located in the Lone Mountain West Plan and Design Standards, which is in the PD (Planned Development) Zoning District. The intent of the PD (Planned Development District) is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment, or to provide a single-purpose or multi-use planned development. Pedestrian access to and from residential and commercial areas is an integral

component of all site plans including connection with the Northwest pedestrian systems. Essential to creating this sense of place is a commitment to the characteristics of development and design standards outline in this document.

The site is located in the Village Commercial land use category of the Lone Mountain West Development Plan. The Village Commercial land use category allows low to medium intensity retail, office, or other commercial uses that service primarily local area patrons and does not include more intense general commercial characteristics. Village Commercial is typically located on the periphery of residential neighborhoods and should be confined to the intersections of major arterials and major freeways.

The applicant is proposing a tavern, general retail store with gasoline sales and the sell of packaged liquor for off-premise consumption. Under a previous submittal, the applicant acquired a Special Use Permit (U-0081-02) for the proposed sale of Packaged Liquor for off-premise consumption; a Special Use Permit (U-0082-02) for proposed Gasoline Sales; a Special Use Permit (U-0083-02) for a proposed Tavern. Therefore, the proposed commercial, general retail and tavern development will be within the range of uses permitted in the PD (Planned Development) zoning of the site.

- **Site Plan**

The site is currently undeveloped. The applicant proposes to develop two buildings, a 3,000 square foot convenience store on northeast corner of the parcel and a 13,163 square foot L shaped building on the southwest corner of the parcel abutting residential properties to the west and south.

Access to the site is provided by two driveways from Lone Mountain Road and Cliff Shadows Parkway. Pursuant to Section 5.2.4 of the Lone Mountain West Plan and Design Standards each project shall provide a direct pedestrian link onto the site from the pedestrian sidewalk for each frontage. There is no pedestrian linkage from L-shaped building to the pedestrian sidewalk along Lone Mountain Road; therefore, the plan does not meet this standard.

Pursuant to Title 19.08.060 Residential Adjacency Standards, a 27.2 tall building adjacent to residential “protected” property requires a setback of 81.6 feet. The building is set back 20 feet from the residential property. Therefore, the proposal does not meet the required setback for a 27.2 foot tall building and requires a Variance. A Variance (VAR-22100) has been submitted as a companion item with this application.

The proposed commercial, general retail store and tavern require 134 parking spaces. The submitted site plan indicates 123 spaces will be provided, including five handicap accessible spaces. A Variance (VAR-21993) has been requested which would be an eight percent deviation from standards.

- **Landscape Plan**

Pursuant to Title 19.12 Landscaping Standards the applicant is required to provide a 15 foot landscape buffer along Lone Mountain Road and Cliff Shadow Parkway with trees provided every twenty linear feet. The applicant is proposing a five foot landscape buffer on a portion of the north property line where 15 feet is required and a four foot landscape buffer on the east portion of the east property line where 15 feet is required. In addition, the applicant is proposing five foot landscape buffer on a portion of the west property line where eight feet is required. The applicant is providing less landscaping than is required and requesting a waiver.

Pursuant to Title 19.10 Parking Standards the applicant is required to provide one landscape island per six cars. The applicant provides eight trees where 23 trees are provided. A Waiver has been requested.

Pursuant to Lone Mountain West Development Plan and Design Standards Section 5.6.3, a minimum of fifteen percent of the total parcel area shall be landscaped. The applicant provides exactly 15 percent; therefore, the plan meets the required standard.

- **Waivers**

The applicant is requesting Waivers to allow five foot perimeter landscape buffer on a portion of the north property line where 15 feet is required, a four foot perimeter landscape buffer on a portion of the east property line where 15 feet is required and a five foot perimeter landscape buffer on a portion of the west property line where eight feet is required. Staff cannot support these Waivers as they are a self imposed hardship.

As a note, the initial application requested Waivers to allow zero foot perimeter landscape buffer on a portion of the north property line where 15 feet is required, a three foot perimeter landscape buffer on a portion of the east property line where 15 feet is required, a zero foot perimeter landscape buffer on a portion of the south property line where eight feet is required and a four foot perimeter landscape buffer on a portion of the west property line where eight feet is required. They later modified the plan to add more landscaping to the site plan.

- **Elevation**

The building elevations for all the buildings within this development shall provide for a design theme consistent with adjacent development and use similar colors and materials. Additional architectural features to enhance façade articulation such as awnings, pop outs, arch, and columns are required per Appendix A of the Lone Mountain West Master Plan. Staff has reviewed the elevations and they are in compliance.

- **Floor Plan**

The L Shaped building on the southwest corner of the site is divided into two uses; 9,663 square feet of retail and a 3,500 square foot tavern. The retail establishment has been divided for future leasing purposes.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

Under a previous submittal, the applicant acquired a Special Use Permit (U-0081-02) for the proposed sale of Packaged Liquor for off-premise consumption; a Special Use Permit (U-0082-02) for proposed Gasoline Sales; a Special Use Permit (U-0083-02) for a proposed Tavern. Therefore, the proposed commercial, general retail and tavern development will be within the range of uses permitted in the PD (Planned Development) zoning of the site; however, the project as designed requires several deviations from standards including two Variances (VAR-21993 and VAR-22100) and landscape Waivers.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

As designed, the project requires several deviations from standards, including landscape waivers for the perimeter buffer width and landscape fingers in the parking lot area. Additionally, two Variances (VAR-21993 & VAR-22100) have been requested for parking and residential adjacency requirements respectively. These deviations from standards indicate that the applicant is intending to overbuild the site.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Pursuant to Section 5.2.4 of the Lone Mountain West Plan and Design Standards each project shall provide a direct pedestrian link onto the site from the pedestrian sidewalk for each frontage. There is no pedestrian linkage from L-shaped building to the pedestrian sidewalk along Lone Mountain Road; therefore, the plan does not meet this standard.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The building and landscape materials will be appropriate for the area and compatible with the Lone Mountain West Master Plan.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Although the project provides design characteristics and architectural features consistent with the area, the building elevations exceed the building height allowed when adjacent to a protected property. Therefore this proposal is not harmonious and compatible with development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

1

ASSEMBLY DISTRICT 4

SENATE DISTRICT 9

NOTICES MAILED 276 by Planning Department

APPROVALS 2

PROTESTS 8